

*USA ASD*

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 8581**

UNITED STATES OF AMERICA,

Magistrate Case No.:

Plaintiff,

COMPLAINT FOR VIOLATION OF

v.

Title 8, U.S.C., § 1326

Mauricio F. FLORES,

Attempted Entry After

Defendant.

Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about June 27, 2008, within the Southern District of California, defendant Mauricio F. FLORES, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

MARCO A. MIRANDA

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30<sup>TH</sup> DAY  
OF JUNE 2008.

PETER C. LEWIS

UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda, declare under penalty of Perjury, the following is true and correct:

## PROBABLE CAUSE STATEMENT

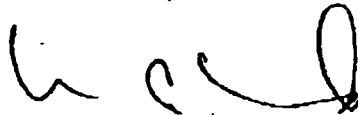
The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, F. Gurrola, that the Defendant was found and arrested on June 27, 2008 east of the Calexico, California Port of Entry.

BPA Gurrola was performing his assigned Border Patrol duties east of the Calexico, California Port of Entry. The Remote Video Surveillance System Operator advised agents that a suspected illegal alien had made an illegal entry by climbing over the United States/Mexico International Boundary Fence. The same individual ran northbound. Agent Gurrola responded to the area and observed the individual running northbound and enter a parked vehicle. Agent Gurrola approached the vehicle and observed three other occupants inside. Agent Gurrola instructed the subject that had boarded the vehicle, later identified as Mauricio F. FLORES to exit the vehicle. Agent Gurrola questioned the individual as to his immigration status to be in or remain in the United States legally. FLORES admitted to being a native and citizens of Mexico without proper documentation that would allow him to be in or remain in the United States legally. FLORES was placed under arrest and transported to the Calexico Border Patrol Station.

Record checks revealed that an Immigration Judge ordered FLORES deported to Mexico from the United States on June 26, 2008. Record checks also revealed that FLORES had an extensive criminal history.

At approximately 0909 a.m. at the Calexico Station, FLORES was advised of his Miranda Rights in the Spanish language. FLORES acknowledged understanding his rights and was willing to answer questions. FLORES stated that he did not have any legal documents that would allow him to work in or reside in the United States legally. FLORES also stated that he made arrangements in Mexicali, Baja California, Mexico with Vanessa Marie HARO-Ortega to be smuggled into the United States for a fee of \$700.00. FLORES stated that he was instructed to run into a house after jumping the fence, but saw his mother's vehicle and instead boarded the vehicle. There is no evidence FLORES has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.

Executed on June 28, 2008 at 1120.

  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on June 27, 2008 in violation of Title 8, United States Code 1326.

  
Barbara L. Major  
United States Magistrate Judge

6/28/08 at 12:05pm  
6/28/08 Y120